

December 9, 2024

Via ECF

The Honorable Jessica G.L. Clarke
United States District Judge
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street, Room 1040
New York, NY 10007

MEMO ENDORSED

Re: *Chappell et al v. Bank of America , N.A. et al*; Case No. 1:24-cv-07056-JGLC

Dear Judge Clarke:

Undersigned counsel represent all appearing Defendants in the above-captioned action (the “Action”), and are jointly writing to respectfully request an adjournment of the upcoming December 20, 2024 initial pretrial conference (the “Conference”), pursuant to Rule 2(e) of Your Honor’s Individual Rules and Practices in Civil Cases.

As Your Honor is aware, on September 23, 2024 Your Honor ordered that the parties appear for a remote initial pretrial conference on December 20, 2024, with a proposed Civil Case Management Plan and Scheduling Order due to be submitted on December 13, 2024. *See* ECF No. 9. Since that time, all appearing Defendants have either been served with, or accepted service of, the operative Amended Complaint in the Action, and all have moved to dismiss the Amended Complaint. *See* ECF Nos. 49-51, 55-56, 65-66, 67-69, 73-74. Additionally, on November 19, 2024, Your Honor granted Plaintiffs’ request to extend the deadline to inform the Court and the parties if they intend to further amend the Amended Complaint pursuant to Rule 4(e) of Your Honor’s Individual Rules to tomorrow, December 10, 2024. *See* ECF No. 64.

Given that the scope of the facts and claims at issue in this Action, and the number of named Defendants, could be greatly impacted by the outcome of the pending motions to dismiss and whether Plaintiffs intend to further amend the Amended Complaint (and if so, when they intend to submit their amended pleading), the appearing Defendants believe that the parties, the Court, and judicial efficiency would be best served by adjourning the upcoming Conference and related deadlines.

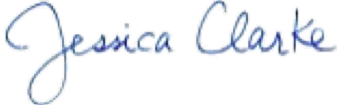
As such, the appearing Defendants respectfully request that Your Honor adjourn the Conference until a date to be determined by the Court after either (i) a decision on the pending motions to dismiss or (ii) all appearing Defendants have responded to any further amended complaint.

This request is being made more than 48 hours prior to the December 13, 2024 deadline to submit a proposed Civil Case Management Plan and Scheduling Order and more than 48 hours prior to the Conference. No prior requests for an adjournment of the Conference have been made. Plaintiffs’ counsel did not consent to this request, and informed undersigned counsel that he did not see the need for an adjournment. Other than the Conference, there are no scheduled appearances before the Court in this Action.

Thank you for your consideration.

Application DENIED. Counsel shall appear for the conference scheduled for December 20, 2024. To the extent that Defendants seek a stay of discovery pending decision on their motions to dismiss, Defendants must file a motion. It is generally not the Court's practice to grant such a motion in the ordinary course simply upon the filing of a motion to dismiss. The Clerk of Court is directed to terminate ECF No. 75.

SO ORDERED.



JESSICA G. L. CLARKE
United States District Judge

Dated: December 10, 2024
New York, New York

cc: All counsel of record (via ECF)

Respectfully submitted,

/s/ Shan P. Massand
Counsel for Defendant Bank of America,
N.A.

/s/ Ashley A. LeBlanc
Counsel for Defendant J.P. Morgan
Chase Bank, N.A.

/s/ Aaron F. Jaroff
Counsel for Defendant Wells Fargo
Bank, N.A.

/s/ Rachelle Pointdujour
Counsel for Defendant PNC Bank, N.A.

/s/ Justin E. Kerner
Counsel for Defendant Truist Bank